

REMARKS

Election of Invention

The Examiner has issued a restriction requirement stating that the application claims three distinct inventions. Specifically, the Examiner identifies the three inventions as being:

- I. Claims 1-43, 49-70, and 72, drawn to a pharmaceutical composition comprising a water-insoluble drug coated with an enteric material.
- II. Claims 44-45 and 71, drawn to a method treating a patient with abnormal cell proliferation.
- III. Claims 46-48, drawn to a method treating a patient with an autoimmune disease by administering a 2-deoxyadenosine analog.

Applicants believe that method claim 72 was misidentified as being a composition claim and should belong to Group II.

Pursuant to 37 C.F.R. §1.142, Applicants elect Group I, Claims 1-43 and 49-70 without traverse. Accordingly, claims 44-48, 71 and 72 are canceled without prejudice. As Inventions I and II-III are related as product and process of use, Applicants reserve the right to rejoinder of the non-elected process inventions in the event that the claims directed to the product invention are found allowable.

Applicants also reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application.

Election of Species

The Examiner has indicated that the claims are directed to patentably distinct species and has requested an election of species. Applicants elect "cytidine analog" as the species for substantive examination.

Pursuant to 37 C.F.R. §1.141, Applicants reserve the right to pursue claims to the non-elected species in this application in the event that a generic claim is found to be allowable.

Appln. No.: 10/698,983
Restriction Requirement Dated March 29, 2007
Response To Restriction Filed On April 18, 2007

CONCLUSION

Applicants submit that this paper fully addresses the Office Action mailed March 29, 2007. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney at (650) 565-3856. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 12636-304.201).

Respectfully submitted,

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